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Cc: []
From: CN=Tom Hagler/OU=R9/O=USEPA/C=US
Sent: Tue 2/21/2012 9:59:37 PM
Subject: ATTORNEY CLIENT COMMUNICATION/PRIVILEGED/DO NOT RELEASE

If you are reading this while in Hawaii, please hang up and do not call again. Nothing in here is interesting or important.

ATTORNEY CLIENT COMMUNICATION/PRIVILEGED/DO NOT RELEASE

RE: State Board workshop and CEQ call

Here are some highlights of this mornings festivities:

(1) State Board workshop on Delta outflow phase. They talked to Les Grober for about 45 minutes before getting into public comment. He did a great job (with great overheads that we should track down) that summarized how everything fits together.

For our immediate purposes, the dates are (1) decision on SJ flows by Fall 2012, and (2) Decision on Delta outflow by August 2013.

There is a long discussion at around half an hour into it about "Who goes first?" Probably worth webcast review.

Public Comment: Went on forever, and I missed several due to the CEQ call. However, of special note were that both DFG (Scott Cantrell) and NMFS (Rhonda Reed) showed up and argued in favor of the Board's proposed actions. They both went into detail about how the Board had a larger set of issues to address and that it was important for the BDCP for the Board to move along. So that was a pleasant surprise. The Tributary guys said pick your approach: litigate or negotiate. The state water contractors (Jon Rubin, et al) had a whole raft of people making process points about how it had to be done differently or it would be inconsistent with state law. Nothing much news.

(2) The CEQ call was emceed by Jay Jensen.

- (a) He does not anticipate this being a regular thing.
- (b) We discussed doing another IFAP, and the result was that there was not a huge cry for it, but there was some support for some kind of document laying out the successess of getting stuff done since the last update.
- (c) The State Board agenda item was a nothing, except that Rock wondered what the Board was doing. I had to give him the 20 second version of California water law processes.
- (d) There ended up being a 404 coordination issue. Poor Tanis said everything was fine, but (since Nawi told me beforehand that he wanted me to raise the MOU issue) I gave a quick and happy summary of the history and present problems with the MOU. Said it was a 408 issue with the Corps and a decision that we needed to pin down with DWR as to whether they want to do one or not. Tanis probably felt a bit blindsided, but that wasn't my fault. Robershotte wasn't on the call. A lot of HQs types were.
- (e) Roger was on the call.

(3) I have some BDCP materials for you when you return. Remind me.

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